

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

RYMEDI, INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 20-4-RGA
	:	
DAMIEN THOMAS, et al.,	:	
	:	
Defendants.	:	

**MEMORANDUM**

Plaintiff has filed a motion to dismiss without prejudice, which Defendants oppose. (D.I. 36, 37). The parties provide me with virtually no useful information in regard to the decision whether I should dismiss with or without prejudice. Defendants do say, if I dismiss without prejudice, I should make Plaintiff pay their attorney's fees.

Looking at Rule 41(a)(2), the default is that dismissal is without prejudice. Looking at Rule 41(d), if Plaintiff does someday file another federal court lawsuit "based on or including the same claim against the same defendant," the court can then decide (based perhaps on a fuller record than what I have) whether to require Plaintiff to pay Defendants' attorney's fees for this lawsuit.

Thus, I will enter Plaintiff's proposed order of dismissal (D.I. 36-2), with the understanding that the dismissal is without prejudice.

So stated this 21<sup>st</sup> day of July 2020.

/s/ Richard G. Andrews  
United States District Judge